

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7681**

**BILL NUMBER: HB 1942**

**DATE PREPARED:** Jan 4, 2001

**BILL AMENDED:**

**SUBJECT:** Child Seduction and Sexual Misconduct with a Minor.

**FISCAL ANALYST:** Sherry Fontaine

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill specifies that teachers who engage in sexual relations with students commit child seduction. The bill also raises the age of consent for sexual misconduct with a minor.

This bill eliminates lack of knowledge of a minor's age as a defense. The bill eliminates the victim's marital status as defense to sexual misconduct with a minor when the crime involves violence. It defines sexual misconduct with a minor as a Class A or Class B felony as a crime of violence.

The bill requires a court to order a person convicted of child seduction or sexual misconduct with a minor resulting in a pregnancy to pay restitution to the victim for expenses relating to the pregnancy and childbirth, even if these expenses are incurred after the date of sentencing. The bill provides that lack of prosecution or conviction for child seduction or sexual misconduct with a minor does not bar an action for paternity, child support, and payment for expenses relating to the pregnancy and childbirth. It also provides that consent to an adoption is not required from a biological father of a child born out of wedlock who was conceived as the result of a child seduction or sexual misconduct with a minor.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** By eliminating the defenses specified in this bill, raising the age for sexual misconduct with a minor to 17 years of age (Class C or D felony), defining sexual misconduct with a minor as a Class A or Class B felony as a crime of violence, and providing Class B or Class D felony penalties for child seduction; the state could incur increased costs of incarcerating offenders.

The following prison terms apply: (1) a Class A felony is punishable by a prison term ranging from 20 to 50 years depending upon mitigating and aggravating circumstances; (2) a Class B felony is punishable by a prison term ranging from six to twenty years depending upon mitigating and aggravating circumstances; (3) a Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating

and aggravating circumstances; and (4) a Class D felony is punishable by a prison term ranging from six months to three years or reduction to a Class A misdemeanor.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities is as follows: (1) for all Class A felony offenders it is approximately eight years, four months; (2) for all Class B felony offenders it is approximately three years, six months; (3) for all Class C felony offenders it is approximately two years; and (4) for all Class D felony offenders it is approximately ten months.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for Class A, B, C, and D felonies is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.